

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSHUA JACOBSON, ET AL.,

No. C-07-02694 JCS

Plaintiffs,

v.

AMERICREDIT CORPORATION, ET AL.,

**ORDER GRANTING PLAINTIFFS'  
REQUEST TO FILE AMENDED  
COMPLAINT AND DENYING  
DEFENDANT'S MOTION TO DISMISS  
WITHOUT PREJUDICE [Docket No. 5]**

Defendants.

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This action was filed on May 22, 2007. The parties have consented to the jurisdiction of a United States magistrate judge pursuant to 28 U.S.C. § 636(c). Defendant Americredit Financial Services, Inc. ("Americredit") filed a Motion to Dismiss for Failure to State a Claim Upon Which Relief Can Be Granted ("the Motion to Dismiss") on July 2, 2007. In response, Plaintiffs filed a brief that was styled as an Opposition but did not offer any arguments in opposition to the Motion to Dismiss. Instead, Plaintiffs sought leave to file an amended complaint to address the issues raised in the Motion to Dismiss. Americredit did not file a Reply brief or otherwise respond to Plaintiffs' request and the deadline for filing a Reply has passed.

Without reaching the merits of Defendants' Motion to Dismiss or expressing any opinion as to the adequacy of Plaintiffs' proposed amended complaint, the Court GRANTS Plaintiffs' request to file the proposed First Amended Complaint on the basis that at this early stage of the case, it is in the interest of justice to permit Plaintiffs to amend in order to address the alleged deficiencies identified by Americredit. *See* Fed. R. Civ. P. 15(a). The Motion to Dismiss is DENIED without

1 prejudice to filing a new motion to dismiss addressing the adequacy of the First Amended  
2 Complaint. The hearing currently scheduled for August 10, 2007 at 1:30 p.m. is **vacated**.

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4 IT IS SO ORDERED.

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6 Dated: August 1, 2007

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10 JOSEPH C. SPERO  
11 United States Magistrate Judge  
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